

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES SHEA EUBANKS,

Case No. 3:16-cv-00336-MMD-CSD

Petitioner,

ORDER

v.

RENEE BAKER, *et al.*,

Respondents.

This habeas matter is poised for merits review. Respondents, however, appear to have omitted from their filing of the state-court record (1) the presentence investigative report and (2) a question posed by the jury which was included in the trial record as an exhibit before return of the verdict. (ECF Nos. 24-3 at 5-6; 25 at 16.) *See also* Rules Governing Section 2254 Cases, Rule 7; *McDaniels v. Kirkland*, 813 F.3d 770, 773 (9th Cir. 2015) (en banc) (holding that federal habeas courts “may consider the entire state-court record, including evidence that was presented only to the trial court.”); *Nasby v. McDaniel*, 853 F.3d 1049, 1052-54 (9th Cir. 2017) (remanding to the district court with instructions to consider the entire state court record).

Additionally, upon reviewing the exhibits filed by the parties, it appears Petitioner failed to fully comply with LR IC 6-1. (See ECF Nos. 17-33 at 72-177 (*passim*); 18-5 at 14-26, 65, 180, 233-36; 18-7 at 16-18, 37, 81, 101-02; 19 at 77-84; 20-2 at 11-14, 74; 20-16 at 2-3; 22 at 17-20, 37-38, 60, 130-31; 22-1 at 183; 23-1 at 97; 24 at 7, 21, 72; 24-2 at 70, 76, 91, 124; 25 at 16; and 38-1 at 17.) Compelling reasons exist to seal documents that contain personal-data identifiers as the parties cannot change filings. See LR IC 6-1(a)(2) (“If the involvement of a minor child must be mentioned, only the initials of that child should be used.”); LR IC 6-1(a)(3) (“If an individual’s date of birth must be included, only the year should be used.”); LR IC 6-1(a)(5) (“If a home address must be included,

1 only the city and state should be listed.”).

2 It is therefore ordered that Respondents have until November 5, 2024, to file, as
3 supplemental exhibits: (1) the presentence investigative report submitted in the state-
4 court proceedings, and (2) a jury question, which was included in the trial record as an
5 exhibit during jury deliberations and before return of the verdict.

6 It is further ordered that Petitioner will have 15 days after Respondents file the
7 supplemental exhibits to admit or deny the correctness of the supplemental exhibits.

8 It is further ordered that Petitioner must file no later than November 5, 2024,
9 redacted publicly-available copies of the documents previously filed as ECF Nos. 17-33;
10 18-5; 18-7; 19; 20-2; 20-16; 22; 22-1; 23-1; 24; 24-2; 25; and 38-1.

11 The Clerk of Court is further directed to seal the documents filed as ECF Nos. 17-
12 33; 18-5; 18-7; 19; 20-2; 20-16; 22; 22-1; 23-1; 24; 24-2; 25; and 38-1.

13 DATED THIS 9th Day of October 2024.

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16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
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